

The House Committee on Judiciary Non-civil offers the following substitute to SB 400:

A BILL TO BE ENTITLED
AN ACT

To amend Code Sections 15-11-63, 15-11-66, and 17-10-11 of the Official Code of Georgia Annotated, relating to designated felony acts, disposition of delinquent children, and credit for time served in confinement, respectively, so as to clarify provisions relating to juveniles receiving credit for time served; to extend a sunset date for secure confinement; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-11-63 of the Official Code of Georgia Annotated, relating to designated felony acts, is amended by revising subparagraph (e)(1)(B) as follows:

"(B) The child shall initially be confined in a youth development center for a period set by the order, to be not less than 12 nor more than 60 months; provided, however, that time spent in secure detention subsequent to the date of the order and prior to placement in a youth development center shall be counted toward the period set by the order; and; provided, further, that; where the order of the court is made in compliance with subsection (f) of this Code section, the child shall initially be confined in a youth development center for 18 months;"

SECTION 2.

Code Section 15-11-66 of the Official Code of Georgia Annotated, relating to disposition of a delinquent child, is amended by revising paragraph (1) of subsection (b) as follows:

"(b)(1) At the conclusion of the dispositional hearing provided in subsection (a) of Code Section 15-11-65, if the child is found to have committed a delinquent act, the court may, in addition to any other treatment or rehabilitation, suspend the driver's license of such child for any period not to exceed the date on which the child becomes 18 years of age or, in the case of a child who does not have a driver's license, prohibit the issuance of a driver's license to such child for any period not to exceed the date on which the child

becomes 18 years of age. The court shall retain the driver's license for a period of suspension and return it to the offender at the end of such period. The court shall notify the Department of Driver Services of any such actions taken pursuant to this subsection. If the child is adjudicated for the commission of a delinquent act, the court may in its discretion in those cases involving: (A) a violation of probation involving another adjudicated delinquent act and upon the court making a finding of fact that the child has failed to respond to the graduated alternative sanctions set forth in paragraph (2) of this subsection; (B) an offense that would be a felony if committed by an adult; or (C) an offense that would be a misdemeanor of a high and aggravated nature if committed by an adult and involving bodily injury or harm or substantial likelihood of bodily injury or harm, in addition to any other treatment or rehabilitation, order the child to serve up to a maximum of 30 days in a youth development center, or after assessment and with the court's approval, in a treatment program provided by the Department of Juvenile Justice or the juvenile court. A child ordered to a youth development center under this paragraph and detained in a secured facility pending placement in the youth development center shall be given credit for time served in the secured facility awaiting placement. On and after July 1, 2011 ~~2011~~ 2013, the maximum number of days that the court may order a child to serve in a youth development center under this paragraph shall be increased to 60 days."

SECTION 3.

Code Section 17-10-11 of the Official Code of Georgia Annotated, relating to credit for time served in confinement, is amended by revising subsection (b) as follows:

"(b) This Code section applies to sentences for all crimes, whether classified as violations, misdemeanors, or felonies, and to all courts having criminal jurisdiction located within the boundaries of this state, ~~except juvenile courts.~~"

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.